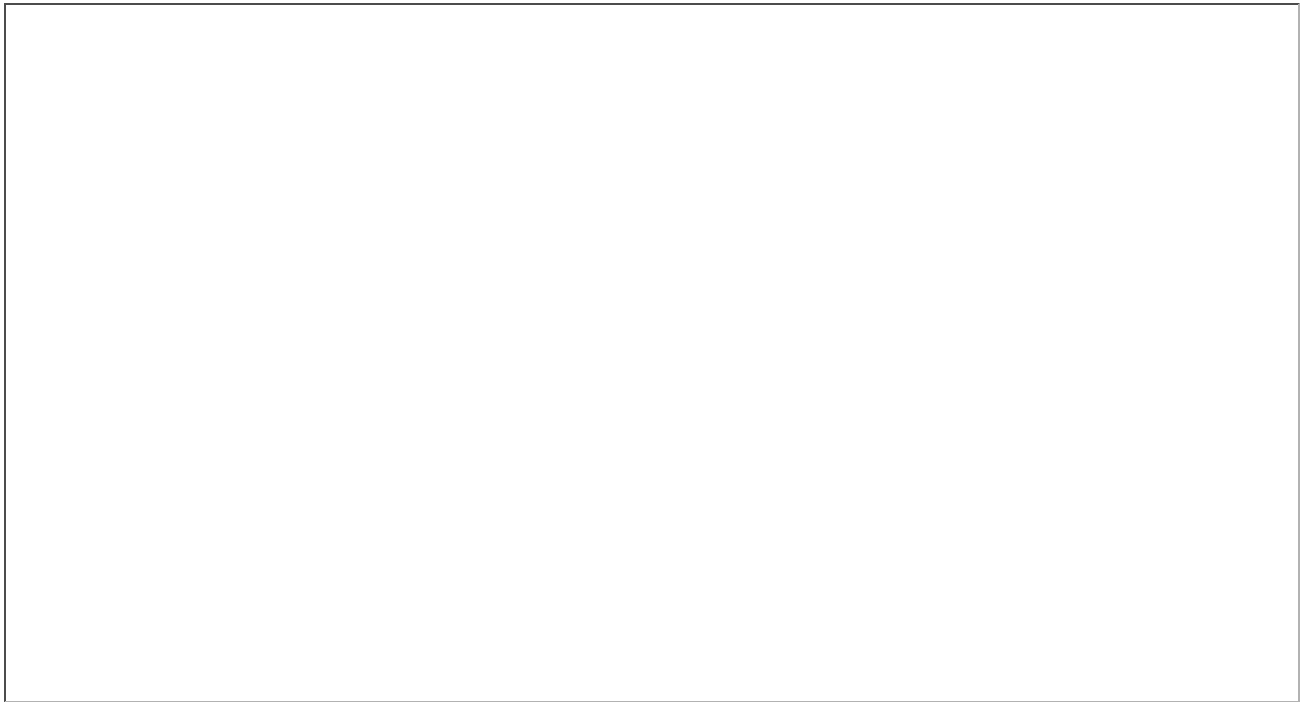


CANUCK LAW

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FEBRUARY 6, 2019 BY RONNIE

Canada's Bill C-71: Backdoor Gun Registry



(Bill C-71, to restore the long gun registry)

One thing to point out right away: this bill is much more manageable to read than Bill C-69

[CLICK HERE](#), for the full text of Bill C-71.

[CLICK HERE](#), for the 1995 Firearms Act.

[CLICK HERE](#), for Bill C-19, Ending The Long Gun Registry Act

[CLICK HERE](#), for the 2015 Economic Action Plan Act

Parliamentary Hearings On Bill C-71 (Firearms), Part 1



Here are some noteworthy changes

5(2) of Firearms Act

ORIGINAL

(c) has a history of behaviour that includes violence or threatened or attempted violence on the part of the person against any person.

REPLACEMENT

(2) Subsection 5(2) of the Act is amended by striking out “or” at the end of paragraph (b) and by replacing paragraph (c) with the following:

(c) has a history of behaviour that includes violence or threatened or attempted violence or threatening conduct on the part of the person against any person;

(d) is or was previously prohibited by an order — made in the interests of the safety and security of any person — from communicating with an identified person or from being at a specified place or within a specified distance of that place, and presently poses a threat or risk to the safety and security of any person;

(e) in respect of an offence in the commission of which violence was used, threatened or attempted against the person's intimate partner or former intimate partner, was previously prohibited by a prohibition order from possessing any firearm, cross-bow, prohibited weapon, restricted weapon, prohibited device or prohibited ammunition; or

(f) for any other reason, poses a risk of harm to any person.

For greater certainty

(2.1) For greater certainty, for the purposes of paragraph (2)(c), threatened violence and threatening conduct include threats or conduct communicated by the person to a person by means of the Internet or other digital network

19(1.1) and (2) of Firearms Act

ORIGINAL

Target practice or competition

(1.1) In the case of an authorization to transport issued for a reason referred to in paragraph (1)(a) within the province where the holder of the authorization resides, the specified places must include all shooting clubs and shooting ranges that are approved under section 29 and that are located in that province.

Marginal note:

Exception for prohibited firearms other than prohibited handguns

(2) Despite subsection (1), an individual must not be authorized to transport a prohibited firearm, other than a handgun referred to in subsection 12(6.1), between specified places except for the purposes referred to in paragraph (1)(b)

REPLACEMENT

4 (1) Subsections 19(1.1) and (2) of the Act are replaced by the following:

Target practice or competition

(1.1) In the case of an authorization to transport issued for a reason referred to in paragraph (1)(a) within the province where the holder of the authorization resides, the specified places must — except in the case of an authorization that is issued for a prohibited firearm referred to in subsection 12(9) — include all shooting clubs and shooting ranges that are approved under section 29 and that are located in that province.

Exception for prohibited firearms other than prohibited handguns

(2) Despite subsection (1), an individual must not be authorized to transport a prohibited firearm — other than a handgun referred to in subsection 12(6.1) or a prohibited firearm referred to in subsection 12(9) — between specified places except for the purposes referred to in paragraph (1)(b).

Section 23 of Firearms Act**ORIGINAL*****Authorization to transfer non-restricted firearms***

23 A person may transfer a non-restricted firearm if, at the time of the transfer,
(a) the transferee holds a licence authorizing the transferee to acquire and possess that kind of firearm; and
(b) the transferor has no reason to believe that the transferee is not authorized to acquire and possess that kind of firearm.

1995, c. 39, s. 23; 2003, c. 8, s. 17; 2012, c. 6, s. 11; 2015, c. 27, s. 7.

Previous Version

Marginal note:***Voluntary request to Registrar***

23.1 (1) A transferor referred to in section 23 may request that the Registrar inform the transferor as to whether the transferee, at the time of the transfer, holds and is still eligible to hold the licence referred to in paragraph 23(a), and if such a request is made, the Registrar or his or her delegate, or any other person that the federal Minister may designate, shall so inform the transferor.

Marginal note:***No record of request***

(2) Despite sections 12 and 13 of the Library and Archives of Canada Act and subsections 6(1) and (3) of the Privacy Act, neither the Registrar or his or her delegate nor a designated person shall retain any record of a request made under subsection (1).

REPLACEMENT

5 Sections 23 and 23.1 of the Act are replaced by the following:

Authorization to transfer non-restricted firearms

23 (1) A person may transfer one or more non-restricted firearms if, at the time of the transfer,

- (a) the transferee holds a licence authorizing the transferee to acquire and possess a non-restricted firearm;
- (b) the Registrar has, at the transferor's request, issued a reference number for the transfer and provided it to the transferor; and
- (c) the reference number is still valid.

Information — transferee's licence

(2) The transferee shall provide to the transferor the prescribed information that relates to the transferee's licence, for the purpose of enabling the transferor to request that the Registrar issue a reference number for the transfer.

Reference number

(3) The Registrar shall issue a reference number if he or she is satisfied that the transferee holds and is still eligible to hold a licence authorizing them to acquire and possess a non-restricted firearm.

Period of validity

(4) A reference number is valid for the prescribed period.

Registrar not satisfied

(5) If the Registrar is not satisfied as set out in subsection (3), he or she may so inform the transferor.

Ending the Long Gun Registry Act of 2012

ORIGINAL

Non-application

(3) Sections 12 and 13 of the Library and Archives of Canada Act and subsections 6(1) and (3) of the Privacy Act do not apply with respect to the destruction of the records and copies referred to in subsections (1) and (2).

(4) If section 29 of the other Act comes into force before section 17 of this Act, then that section 17 is replaced by the following:

17. Paragraph 38(1)(a) of the Act is replaced by the following:

(a) holds a licence to possess that kind of firearm and, in the case of a prohibited firearm or a restricted firearm, a registration certificate and an authorization to transport the firearm; and

(5) If section 17 of this Act comes into force before section 29 of the other Act, then, on the day on which that section 29 comes into force, paragraph 38(1)(a) of the Firearms Act is replaced by the following:

(a) holds a licence to possess that kind of firearm and, in the case of a prohibited firearm or a restricted firearm, a registration certificate and an authorization to transport the firearm; and

(6) If section 29 of the other Act comes into force on the same day as section 17 of

this Act, then that section 17 is deemed to have come into force before that section 29 and subsection (5) applies as a consequence.

(7) On the first day on which both section 30 of the other Act and section 17 of this Act are in force, paragraphs 40(1)(b) and (c) of the Firearms Act are replaced by the following:

(b) the individual produces a licence authorizing him or her to possess that kind of firearm;

(c) in the case of a prohibited firearm or a restricted firearm, the individual holds an authorization to transport it and satisfies the customs officer that the individual holds a registration certificate for the firearm; and

REPLACEMENT

Ending the Long-gun Registry Act

Amendments to the Act

2015, c. 36, s. 230

23 (1) Subsection 29(3) of the Ending the Long-gun Registry Act is deemed never to have been amended by section 230 of the Economic Action Plan 2015 Act, No. 1.

2015, c. 36, s. 230

(2) Subsections 29(4) to (7) of the Ending the Long-gun Registry Act are deemed never to have come into force and are repealed.

2015, c. 36, s. 231

24 Section 30 of the Ending the Long-gun Registry Act is deemed never to have come into force and is repealed.

Biggest takeaway here is that Bill C-71 is an effort to resurrect the Long Gun Registry

While there are some virtue signals about safety, the main objective is clearly undoing the

2011-2012 legislation.

 **CANADA, CANADIAN BILLS, CRIMINAL, GUN RIGHTS, DISARMAMENT,
PROPERTY RIGHTS, TRANSPORTATION**